

MAY 24, 1985

NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF MEDICAL EXAMINERS

In the Matter of the)
Advertising Practices of:)
ALFRED GIGANTE, D.C.)
and)
HOWARD PRAGER, D.C.)

Administrative Action
CONSENT ORDER

This matter has come before the New Jersey State Board of Medical Examiners upon its receipt of an advertisement for the Bergen County Chiropractic Associates which appeared in the July 11, 1984 edition of the Suburban News. Respondents are the principals in that office. The text of the advertisement in question relates to the use of the electro-acuscope at Bergen County Chiropractic Associates. The final line of text in that advertisement encourages "all who suffer from pain to come in for a free consultation."

The Board deems the offer of a free consultation to be a violation of N.J.A.C. 13:35-6.10(c)11, which makes it unlawful for licensees to advertise the offering of a gratuitous service. Further, the Board finds the inclusion of such wording in respondents' advertisement to be a violation of their own voluntary assurance which was filed with this Board on January 24, 1984 in which they acknowledge receipt of advice that they were prohibited from advertising free services. The Board rejects respondents' contention that their use of the word "consultation" to apply to the history-taking component of a patient's first visit should in some way relieve them of the responsibilities imposed upon them by their own voluntary assurance and the advertising regulation. Moreover, the Board is

of the opinion that respondents' interpretation of consultation is, in fact, misleading.

In consideration of violation found herein and respondents' representations that they have ceased to advertise any offering of free services or consultations, the Board has determined that good cause exists for the entry of this Order.

IT IS on this 20th day of May, 1985,
ORDERED:

1. Respondent Alfred Gigante, D.C. and respondent Howard Prager, D.C. are hereby reprimanded for having advertised the offering of free services in violation of N.J.A.C. 13:35-6.10(c)11 and their own voluntary assurance offered to this Board on January 24, 1984.

2. Respondent Alfred Gigante, D.C. shall pay to the New Jersey State Board of Medical Examiners civil penalties in the amount of One Thousand (\$1,000) Dollars within thirty (30) days of the entry of this Order.

3. Respondent Howard Prager, D.C. shall pay to the New Jersey State Board of Medical Examiners civil penalties in the amount of One Thousand (\$1,000) Dollars within thirty (30) days of the entry of this Order.

4. Respondents shall cease and desist from engaging in any advertising which purports to offer free services.

NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS

We consent to the form and entry of this Order.

Alfred Gigante, D.C.

Howard Prager, D.C.

By: Edward W. Luka, M.D.

EDWARD W. LUKA, M.D.
President